

Docket No. 30019297-2 US (1509-426)

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THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

<u>In re Application of</u>	
Inventors: Maurizio PILU et al.	: Confirmation No. 4757
U.S. Patent Application No. 10/628,229	: Group Art Unit: 2145
Filed: July 29, 2003	: Examiner: Mitra KIANERSI
For: VISUAL MEDIA VIEWING SYSTEM AND METHOD	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attn: BOARD OF PATENT APPEALS AND INTERFERENCES

BRIEF ON APPEAL

Further to the Notice of Appeal filed October 14, 2008, in connection with the above-identified application on appeal, herewith is Appellant's Brief on Appeal. The Commissioner is authorized to charge Deposit Account No. 08-2025 in the amount of \$540 for the statutory fee.

To the extent necessary, Appellant hereby requests any required extension of time under 37 C.F.R. §1.136 and hereby authorizes the Commissioner to charge any required fees not otherwise provided for to Deposit Account No. 08-2025.

CERTIFICATION OF FACSIMILE TRANSMITTAL

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SIGNATUREDecember 15, 2008
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Serial No. 10/628,229

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I. Real Party in Interest

The real party in interest is Hewlett-Packard Development Company, L.P., a Texas limited partnership.

II. Related Appeals and Interferences

There are no related appeals and/or interferences.

III. Status of Claims

A. Total Number of Claims in Application

1. There are 26 claims in the application, identified as claims 1-26.

B. Status of All the Claims

1. Claims canceled: None

2. Claims withdrawn from consideration but not canceled: None

3. Claims pending: 1-26

4. Claims allowed: None

5. Claims rejected: 1-26

C. Claims on Appeal

1. Claims on appeal: 1-26

IV. Status of Amendments

All amendments have been entered. There was no amendment after the final rejection.

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V. Summary of Claimed Subject Matter

Independent claim 1 is directed to a method of viewing visual pictorial media, such as the scene of Figure 3a (page 12, lines 18-23), across a network 104 (page 1, lines 3-8; page 9, lines 27-29). The method is performed with first and second network elements connected to the network. In the embodiment of Figure 1, the first network element is server 102 and the second network element is one of receiving or viewing units 106 (page 9, lines 27-29). In the embodiment of Figure 2, the first network element is master viewing unit 202a and the second network element is one of slave units 202 b-d (page 12, lines 11-16).

The method comprises the steps of:

- i) storing respective local visual pictorial media data 124 corresponding to the same visual pictorial media in storing devices 110 and 120 on the first and second network elements 102 and 106, respectively, that are connected to the network 104 (page 10, lines 18-23); in the example of Figure 3a, data 124 represent the entire scene of Figure 3a;
- ii) creating derived visual pictorial media data from the locally stored visual pictorial media data 124 with a processing means 108 of the first network element 102 (page 10, lines 25-29; steps 510 and 512, Figure 5; page 16, lines 27-30); in the example of Figures 3a and 3b, the derived visual pictorial media data represent cropped images of scene 300 including yachts 302e,f (page 12, lines 25-28).
- iii) automatically generating, during step 514 (Figure 5, page 16, line 30- page 17, line 2), a control data set 126 representing the derived visual pictorial data and corresponding to operations to be performed by a processing means 108 of server 102 to create the derived visual pictorial media data (page 10, lines 29-32; page 2, lines 28-30); in the example of Figures 3a and 3b, data set 126 indicates the location in the scene of Figure 3a where crop boxes including yachts 302e,f are located and instructions to crop and zoom the images of yachts 302e,f (page 12, lines 25-31);

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- iv) transmitting, during step 516 (Figure 5; page 17, line 4), the control data set 126 from the first network element 102 to the second network element 106 via the network 104;
- v) recreating, during step 518, (Figure 5; page 17, line 5) the derived visual pictorial data with a processing means 122 of the second network element 106 by use of the control data set 126 (page 11, lines 6-9); and
- vi) displaying, during step 520 (Figure 5; page 17, lines 5,6), the local visual pictorial media data in accordance with the derived visual pictorial media data 126 on viewing means 112 of the second network element 106 (page 10, lines 1,2).

Independent claim 11 is directed to a visual pictorial media viewing system 100 (page 9, line 27; page 1, lines 3-9) comprising first and second network elements 102, 106 connected over a network 104 (Figure 1; page 9, lines 27-29). The first network element 102 is arranged for: (a) storing, in storage device 110, visual pictorial media data 124 (page 10, lines 16,17), (b) automatically selecting a portion of the visual pictorial media data (page 10, lines 25-28; step 510, Figure 5; page 17, lines 27,28), (c) processing said portion of the visual pictorial media data (page 10, lines 29,30) , (d) generating a control data set 126 (page 10, lines 30-32); and (e) transmitting the control data set to the second network element 106 over the network 104 (step 516, Figure 5; page 17, line 4).

The second network element 106 is arranged for: (a) receiving the control data set 126 from the first network element (page 11, lines 6, 7), (b) storing, in storage device 120, a copy of the visual pictorial media data (page 10, lines 17-21), (c) processing, in processor 122, the received control data set 126 and the visual pictorial media data (page 11, lines 7-9), and (d) displaying on display 112 a pictorial image corresponding to the processed visual pictorial media data (page 10, line 2; step 520; page 17, lines 5,6). The control data set 126 includes (a) information relating to the location of said portion within the locally stored copy of the visual pictorial media data (page 10, lines 30,31) and (b) processing instructions relating to generating and displaying the pictorial image generated from said portion on the display of the second

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network element arranged for displaying the pictorial image corresponding to the processed visual pictorial media data (page 10, line 31-page 11, line 4).

Independent claim 15 defines a network element 102 comprising (1) a data store 110 for storing visual pictorial media data 124 (page 9, lines 27-32; page 10, lines 16,17), (2) a selector for automatically selecting derived visual pictorial media data from the stored visual pictorial media data (page 10, lines 25-29), (3) a first processor 108 for processing said derived visual pictorial media data (page 10, line 30), (4) a data generator 108 for generating a control data set 126 (page 10, lines 30-32), and (5) a transmitter 108 for transmitting the control data set across a network to a remote network element 106 having a local copy of the visual pictorial media data stored thereupon (page 11, lines 3,4). The control data set includes information corresponding to operations to be performed by a second processor 122 to create the derived visual pictorial media data to enable the second processor, in response to receiving the control data set 126, to recreate the derived visual pictorial data for display of the local visual pictorial media data in accordance with the derived visual pictorial media data 126 (page 10, line 30- page 11, line 12).

Independent claim 22 concerns a network element 106 comprising a receiver 122 for receiving a control data set 126 from a remote network element 102 across a network (page 11, lines 6,7). A data store 120 locally stores visual pictorial media data 124 (page 10, lines 17,18). A display 112 displays an image stored in the data store 120 (page 10, line 2; page 17, lines 5,6). The received control data set 126 includes (a) information relating to the location of a portion of the visual pictorial media data (page 10, lines 30,31) and (b) processing instructions relating to the generation and display of a pictorial image of said portion from the locally stored visual pictorial media data upon the display (page 10, lines 31,32). A processor 122 coupled with the receiver, data store and display supplies a portion of the locally stored visual pictorial media data to the display 112 based on the location information and the processing instruction in the received control data set 126 (page 11, lines 6-9).

Independent claim 25 relates to a network element 102 comprising a data store 110 for storing visual pictorial media data 124 (page 7, lines 10-12; page 10, lines

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16,17). A processor 108 (a) automatically selects a portion of the visual pictorial media data 124, and (b) generates a control data set 126 including the location of said portion within the visual pictorial media data and information relating to the processing of the data (page 7, lines 13-15; page 10, lines 16,17). A network interface card transmits the control data set over a network to a second network element having (1) a locally stored copy of the visual pictorial media data thereon and (2) a screen for synchronously displaying (a) a pictorial image corresponding to the portion of the data with (b) the second personal computer (page 7, lines 15-19).

Independent claim 26 defines a network element 106 comprising (1) a network interface card for receiving a control data set 126 from a remote network element 102 across a network 104 (page 7, lines 21-23; page 11, lines 6,7), (2) a data storage device 120 for locally storing visual pictorial media data 124 (page 7, lines 23, 24; page 10, line 10), (3) a processor 122 for processing the received control data set 126 and the visual pictorial media data 124 (page 7, lines 24,25; page 10, line 8), and (4) a screen 112 for displaying a pictorial image corresponding to the processed visual pictorial media data 124 (page 7, lines 26,27; page 10, line 2). The received control data set 126 includes (a) information relating to the location of an automatically selected portion of the visual pictorial media data 124 (page 7, line 28; page 10, lines 30,31) and (b) processing instructions relating to generating and synchronously displaying (a) a pictorial image of said portion from the locally stored visual pictorial media data 124 upon the screen 112 with (b) its display on the remote network element 102 (page 7, lines 29-31; page 10, lines 31,32; page 11, lines 28-31). The processor 122 is coupled with the network interface card, the screen 112, the data storage device 120 and the display 112 for causing the screen to automatically display the local selected portion of the visual pictorial media data 124, synchronously with display of the locally stored visual pictorial media data with display thereof at the remote network element 102 (page 11, lines 20-27).

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VI. Grounds of Rejection to be Reviewed on Appeal

The anticipation rejection of claims 1-26 under 35 USC 102(e) based on Banitt, US Patent 5,963,247.

VII. Argument

A. The Banitt Disclosure

Figure 1 of Banitt is concerned with a three dimensional visual display system including main screen 102, left peripheral screen 104 and right peripheral screen 106, respectively responsive to different images from main projector 108, projector 110 for a

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